

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRETT CHRISTIAN, FIREARMS POLICY COALITION,
INC., and SECOND AMENDMENT FOUNDATION

Plaintiffs,

v.

No. 22-cv-00695 (JLS)

STEVEN G. JAMES, in his official capacity as Superintendent
of the New York State Police, and JOHN J. FLYNN, in his
official capacity as District Attorney for the County of Erie,

Defendants.

PLEASE TAKE NOTICE that defendant STEVEN G. JAMES (“Defendant”)¹, by his attorney, Letitia James, Attorney General of the State of New York, Ryan L. Belka, Assistant Attorney General, of Counsel, will move this Court before the Hon. John L. Sinatra, Jr., at the United States Courthouse, 2 Niagara Square, Buffalo, New York, at a time and date set by the Court, for an order of summary judgment pursuant to F.R.C.P. 56.

PLEASE TAKE FURTHER NOTICE that this motion is based upon the grounds as set forth in this memorandum of law, together with the State’s Undisputed Statement of Facts, and the Declarations of Dr. Terrance Young, with Exhibits 1-116, dated May 29, 204 (“Young Decl.”); Joseph Barill, with Exhibits 1-2, dated May 31, 2024, (“Barill Decl.”); and Ryan L. Belka, Esq., with Exhibits 1-100, dated May 31, 2022 (“Belka Decl.”), all opposition to Plaintiffs’ Motion for Summary Judgment (“Mot.”) [ECF No. 73] and in support of the State’s Cross-Motion for Summary Judgment., filed contemporaneously herewith.

¹ On April 4, 2024, Steven G. James was confirmed by the New York State Senate as the new Superintendent of State Police. Although Federal Rule of Civil Procedure 25(d) states that Superintendent James “is automatically substituted as a party” upon taking office, the Superintendent respectfully requests that the case caption be amended to reflect the substitution.

Dated: Buffalo, New York
May 31, 2024

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendant James
BY:
s/ Ryan L. Belka
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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2024, I electronically filed the foregoing Notice of Motion for Summary Judgment with associated documents with the Clerk of the District Court using its CM/ECF system.

Dated: Buffalo, New York
May 31, 2024

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendant James
BY:
s/ Ryan L. Belka
RYAN L. BELKA
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